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By: **Senators Brinkley, Colburn, DeGrange, Greenip, Hafer, Jacobs,  
Kittleman, Kramer, and Pinsky**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Adoption Subsidies - Medically Fragile Child**

3 FOR the purpose of altering the calculation of an adoption subsidy for a medically  
4 fragile child; requiring the subsidy to be reviewed and adjusted annually and  
5 continued after a certain age until services are no longer required; and generally  
6 relating to adoption subsidies for medically fragile children.

7 BY repealing and reenacting, with amendments,  
8 Article - Family Law  
9 Section 5-410  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Family Law**

15 5-410.

16 (a) (1) Before a final decree of adoption is passed, the local department and  
17 a prospective adoptive parent of an eligible child shall make a written agreement  
18 regarding the subsidy.

19 (2) In the case of an eligible child who has special circumstances that  
20 existed before the adoption but were not detected until after the adoption, the  
21 agreement shall be made promptly after the local department approves the  
22 application for a subsidy.

23 (b) A subsidy may commence either at the time of the placement for adoption  
24 or at an appropriate time after the passage of the adoption decree.

25 (c) (1) The nature, amount, and duration of the subsidy shall be determined  
26 by:

1 (i) the needs of the eligible child because of the eligible child's  
2 special circumstances; and

3 (ii) the availability of other resources to meet the eligible child's  
4 needs.

5 (2) The subsidy may be for a limited or a long period of time.

6 (3) The subsidy shall be in an amount that is not more than:

7 (i) the allowable amount for a child under foster family care in this  
8 State, or if placement is in another state, the allowable amount for a child under  
9 foster family care in that state, whichever is higher;

10 (ii) in the case of a medically fragile child [living in a treatment  
11 foster care home, \$2,000 per month], AN AMOUNT BASED ON THE ESTABLISHED COST  
12 OF CARE OF ALL THE COSTS ASSOCIATED WITH THE CARE OF A CHILD IN FOSTER  
13 CARE UP TO THE AMOUNT THE STATE PAID FOR THE COST OF CARE FOR:

14 1. TREATMENT FOSTER CARE, WHICH PROVIDES  
15 TREATMENT IN A FAMILY SETTING, NOT TO EXCEED \$10,000 PER MONTH; OR

16 2. RESIDENTIAL PLACEMENT, WHICH PROVIDES  
17 TREATMENT IN A FACILITY, NOT TO EXCEED \$10,000 PER MONTH; or

18 (iii) if the subsidy is for a special service, a reasonable fee for that  
19 service.

20 (d) (1) If, under a subsidy agreement, the subsidy does not terminate in the  
21 first year after the final decree of adoption is passed, the subsidy is subject to annual  
22 reapplication, reevaluation, and reapproval by the local department.

23 (2) IN THE CASE OF A MEDICALLY FRAGILE CHILD, THE SUBSIDY SHALL:

24 (I) BE REVIEWED AND ADJUSTED ANNUALLY TO MEET THE  
25 CHILD'S NEEDS, WITH A MAXIMUM OF \$10,000 PER MONTH; AND

26 (II) CONTINUE AFTER THE CHILD TURNS 21 YEARS OLD, UNTIL THE  
27 INDIVIDUAL NO LONGER REQUIRES SERVICES.

28 [(2)] (3) A subsidy agreement shall include a notice of the annual  
29 reapplication requirement.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2004.